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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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8 IN RE: TFT-LCD (FLAT PANEL) ANTITRUST
9 LITIGATION

No. M 07-1827 SI

MDL. No. 1827

10 This Order Relates to:

11 ALL CASES
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**ORDER DENYING THE TOSHIBA
ENTITIES' MOTION TO MODIFY MAY
27, 2008 ORDER AND STAY
DISCOVERY**

15 On November 19, 2008, the Court heard argument on the Toshiba entities' motion for a stay of
16 discovery. These defendants move to stay all discovery against each of the Toshiba entities until such
17 time as there is an operative complaint sustained against that entity. Plaintiffs oppose the motion.

18 Pursuant to Federal Rule of Civil Procedure 26(c), a court may issue an order "that the
19 disclosure or discovery not be had" or "that the discovery may be had only by a method of discovery
20 other than that selected by the party seeking discovery." Fed. R. Civ. P. 26(c). The Supreme Court has
21 interpreted Rule 26(c) as conferring "broad discretion on the trial court to decide when a protective order
22 is appropriate and what degree of protection is required." *Seattle Times Co. v. Rhinehart*, 467 U.S. 20,
23 36 (1984).

24 After consideration of the parties' papers, the Court exercises its discretion and DENIES
25 defendants' motion. (Docket No. 694). Plaintiffs' deadline to file their amended complaints is
26 December 5, 2008, just over two weeks hence. The Special Master considered and rejected Toshiba's
27 related request for a protective order in the context of creating a revised case management plan which
28 enforces the terms of the limited stay. All other defendants have agreed to the current discovery plan,

1 which is in effect. This Court agrees that no further or special stay for Toshiba is appropriate at this
2 time.

3 The Court also DENIES the Toshiba entities' oral request for certification of this matter pursuant
4 to 28 U.S.C. § 1292(b).

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6 **IT IS SO ORDERED.**

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8 Dated: November 19, 2008



SUSAN ILLSTON
United States District Judge